

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

ORIGINAL APPLICATION No. 3 OF 2021 (SZ)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the News item
In the Hindu Newspaper, edition dated
06.12.2020, under the caption
"Lake encroachment in full swing at Mazid Banda." Applicant(s)

Versus

Union of India & Others Respondent(s)

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Place: Hyderabad

Date: 20-01-2022.

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REPORT DATED 18.01.2022 OF THE TELANGANA STATE POLLUTION CONTROL BOARD (R5) IN ORIGINAL APPLICATION No. 3 OF 2021 IN THE MATTER OF TRIBUNAL ON ITS OWN MOTION - SUO MOTU BASED ON THE NEWS ITEM IN THE HINDU NEWSPAPER, EDITION DATED: 06.12.2020, "LAKE ENCROACHMENT IN FULL SWING AT MAZID BANDA" VS UNION OF INDIA AND OTHERS BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI.

It is to submit that the Hon'ble NGT, Chennai in its Order dated 25.11.2021 directed all the respondents to file their independent report regarding the allegations made in the news paper report and action taken in this regard.

In this regard, the following is submitted: -

- a) The Board Officials have inspected the Mazid Banda lake on 18.12.2021 and observed the following:
 - i) The Mazid Banda lake is located at latitude & longitude of 17°28'06.7"N, 78°20'10.9"E at Serilingampally (M), Rangareddy District.
 - ii) The entire lake was surrounded by high rise buildings and residential houses.
 - iii) Sewage nala is passing along the periphery of the said lake.
 - iv) Presently, no water is existing in the Mazid Banda lake, construction and demolition waste were filled.
 - v) There exists a nala boundary but no tank appurtenant components like bund, sluice and weir at that location.
 - vi) The Mazid Banda lake's periphery was covered with MS Sheets and inside there are temporary labour rooms were provided for stayin of labours.
 - vii) As per the HMDA Website, the draft guidelines for fixation of FTL, the Mazid Banda tank FTL survey was conducted and FTL map was prepared. The HMDA has uploaded the draft notification of Mazid Banda Lake with Lake ID No.3752 in HMDA Website.
 - viii) Samples were not collected as there was no water is existing within the lake.

Date: 18.01.2022

Place: Hyderabad.


ENVIRONMENTAL ENGINEER
ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office - I, R.R. District.

Item No.19:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.03 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the News item
In the Hindu Newspaper, edition dated
06.12.2020, under the caption
“ Lake encroachment in full swing at Mazid Banda.”

...Applicant(s)

Versus

Union of India and Ors.

...Respondent(s)

Date of hearing: 25.11.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): Suo Motu

For Respondent(s): Ms. Renuga for Ms. H.Yasmeen Ali for R2, R3
and R7 and additional 9th respodent
Mr. T. Sai Krishnan for R5, R6 and R8

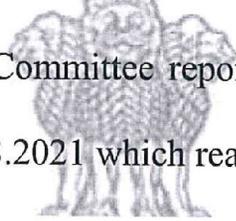
ORDER

1. The above case has been suo motu registered by this Tribunal on the basis of newspaper report published in the Hindu newspaper, dated 06.12.2020 under the caption “Lake Encroachment in full swing at Mazid Banda”.



This Tribunal has admitted the matter on 06.01.2021 and appointed a Joint Committee to go into the question and submit a report. Thereafter, the matter has been adjourned from time to time either by notification or at the instance of the official respondents. Lastly it was adjourned to today as per notification dated 26.10.2021.

2. We have received a Joint Committee report signed by the members on 06.05.2021, e-filed on 20.08.2021 which reads as follows:



**Joint Inspection report of
Revenue Divisional Officer, Scientist C/DD, SEE, TSPCB, Executive
Engineer, North Tank Division, Hyderabad and EE Lake Protection
Committee.**

Officers Present:-

- 1) Smt.K.Chandrakala, RDO, Rajendranagar Division, Hyderabad.
- 2) Sri G.Hanmanth Reddy, SEE, TSPCB, Hyderabad.
- 3) Sri A.Narayana, EE, NTD, Hyderabad.
- 4) Sri J.Krishna Rao, EE, Lake Protection Committee.

Date of Inspection: 06.05.2021.

Sub:- I & CAD Department – Hon'ble NGT, Chennai – Original application No.3 of 2021 – Tribunal on its own motion – Sou Motu based on the news item in "The Hindu" News paper Edition Dated:06.12.2020 under the caption "Lake Encroachment in full swing at Mazid Banda" – Joint Inspection Report called for – Submitted – Reg.

Ref:- 1. Hon'ble NGT Chennai, Sou Motu based on the news item in "The Hindu" News paper Edition Dated:06.12.2020.

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It is to submit through the ref. 1st cited, a joint inspection was conducted based on the news item in "The Hindu" News paper Edition Dated:06.12.2020 under the caption "Lake Encroachment in full swing at Mazid Banda".

BRIEF FACTS OF THE CASE

It is to submit that originally a list of 501 lakes were existing in old HUDA and MCH areas and out of these 501 around 176 lakes existed in

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present GHMC area. The lake Mazid Banda is not among 501 lakes. It is further submitted that identification of the lakes within GHMC area is taken up with the help of this 501 list and other relevant records and finally a list 185 lakes were prepared which were existing GHMC limits. Mazid Banda Lake was not among that finalized list also. The HMDA identified 455 lakes inside ORR with the help of NGRI and uploaded in HMDA website. The Mazid Banda Lake is one of the lake among the list with SI.No.377, ID No.3752. As per draft guidelines for fixation of FTL, the Mazid Banda tank FTL survey was conducted and FTL map was prepared. The HMDA uploaded the draft notification of Mazid Banda Lake with Lake Id No.3752 in HMDA Website.

The land owner Sri M.Yadaiah & Others, Hyderabad has objected to the draft notification and requested to de notify the Sy.Nos.123, 124, 125, 128, 143 and 145 of Kondapur(V), Serilingampally(M), R.R.District which fell in FTL of Mazid Banda Cheruvu. Based on petitioner objections, a letter was addressed to the Deputy Collector & Tahsildar, Serilingampally (M) and requested to verify past revenue records including Khasara Pahanies for the year 1954-55 in respect of Sy.Nos.123, 124, 125, 128, 143 and 145 of Kondapur Village, Serilingampally Mandal, to ascertain whether any tank was recorded as shikam land or patta shikam land for taking further necessary action in the matter. The Tahsildar inturn has reported that the matter had been enquired by the MRI and records have been verified. As per the Khasra, the land Sy.Nos.123(Ac.0-07gts), 124(Ac.0-23gts), 125(Ac.1-30gts), 128(Ac.1-

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13gts), 143(Ac.0-15gts) & 145(Ac.0-07gts) were classified as 'Patta' and recorded in the name of Buyya Lachmaiah & Buyya Pochaiah. As per Pahani for the year 2005-06 the land in Sy.Nos.123(Ac.0-07gts), 124(Ac.0-23gts), 125(Ac.1-30gts), 128(Ac.1-13gts), 143(Ac.0-15gts) & 145(Ac.0-07gts) were classified as 'Patta' and recorded in the names of Maraboina Durgaiyah S/o Mallaiah, Maraboina Yaddaiah S/o Durgaiyah, Maraboina Krishna S/o Durgaiyah & Maraboina Raju S/o Duragaiah as pattedars. As per draft notification uploaded in HMDA website, with ID No.3752, the part of of Sy.No.128 belonging to petitioner is covered in FTL of Mazid Banda lake. The location of tank has been verified with Survey of India Topo sheet and it is noticed that a stream is passing through the subject location.

Further the Mazid Banda lake is located in Maseed banda, Kondapur village, Serilingampally Mandal, Ranga Reddy District observed that as per revenue records i.e., Khasra Pahani the land in Sy.Nos.123 (0-07), 124 (0-23), 125 (1-30), 128 (1-13), 143 (0-15) and 145 (0-19) are classified as patta lands and as per Pahani for the year 1985-86, the land in Sy.Nos.123 (0-07), 124 (0-23), 125 (1-30), 128 (1-13), 143 (0-15) and 145 (0-19) are classified as patta and recorded in the name of Buyya Balaraj S/o Lachmaiah, Buyya Pochaiah S/o Balaiah as pattedar. Further as seen from the Pahani for the year 2004-05, the land in Sy.Nos.123 (0-07), 124 (0-23), 125/A (1-10), 128 (1-13), 143 (0-15) & 145/A (0-12) are classified as patta and recorded in the names of Maraboina Durgaiyah S/o Mallaiah, Maraboina Yadiah S/o Durgaiyah,

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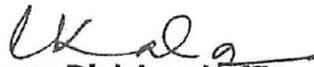
Maraboiana Krishna S/o Durgaiyah, maraboina Raju S/o Durgaiyah as pattadars, the land in Sy.No.125 extent Ac.0-20 gts., is classified as patta and recorded in the name of Buyya Balraj S/o Lakshmaiah, Pochaiah S/o Balaiah, the land in Sy.No.144 extent Ac.0-27 gts., is classified as patta and recorded in the name of B Balraj & others and Sy.No.145 extent Ac.0-07 gts., is classified as patta and recorded in the name of Singavarapu Leelavathi W/o Suresh & others as pattadars.

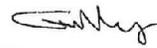
During the joint inspection the surplus course from Kudi Kunta i.e., upstream tank to this location has been obstructed, encroached and diverted along the boundary of subjected lands due to construction of a group of apartments along its natural course on downstream. Presently the water that got stagnated is due to open sewer drains discharging into the stream. However on the ground there is exist a Nala boundary but are no tank appurtenant components like bund, sluice and weir at that location. Further observed that a huge quantity of gravel is stagnated adjacent to the surplus course passing from Kudi Kunta to Gopi Cheruvu which causes the blockage of free flow of surplus course.

As per village map and Revenue records there is no kunta in the subject lands, but it is notified by HMDA vide Lake ID No.3752. The joint inspection report of Deputy Collector & Tahsildar, Serilingampally Mandal and Executive Engineer, North Tanks Division, Hyderabad, Dt.12.01.2021.

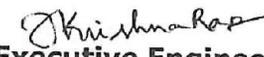
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A Writ Petition was filed by the land owner Sri M.Raju Yadav, questioning the FTL draft notification uploaded in HMDA bearing No.1404/HMDA/EE L&P/2013-14, Dt.23.02.2014 which is pending in Hon'ble High Court.


Revenue Divisional Officer
Rajendranagar


SEE, TSPCB,
Hyderabad


Executive Engineer,
North Tank Division, 6/5/2021
Hyderabad.


Executive Engineer,
Lake Protection Committee,
Hyderabad.

3. Though, it was mentioned in the report that HMDA identified 455 lakes and as per the guidelines for fixation of FTL, Mazid Banda tank FTL tank was fixed and FTL map was prepared and draft notification was issued and it was uploaded with lake ID no. 3752 in HMDA website, but now the report says that most of the lands were classified as patta lands and there is no lake in existence but there is only a small stream passing through the property of the project proponent who is engaged in construction.
4. 1st respondent has filed a report wherein they have stated that this water

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body has been identified as a wet land and a letter has been issued to PCCF, Head of Forest Post, Member Secretary, State Wetland Authority, Telengana vide their letter dated 17.08.2021 directing to take appropriate steps to protect all water bodies which were identified by the Central Government earlier as directed by the Hon'ble Apex Court vide order dated 04.10.2017 in W.P (C) No. 230 of 2001.

5. State of Telengana and official respondents are directed to file their independent statement regarding the status of the water body and action taken by them for protecting the water body that has been declared as wet land on the basis of the letter issued by MoEF&CC referred to above. Since, the letter addressed by MoEF&CC referred to the role of PCCF, Head of Forest Post of Telengana, we feel it appropriate to implead them as additional 9th respondent.
6. The Registry is directed to carry out necessary amendment in the cause title. Ms. H. Yasmee Ali entered appearance for additional 9th respondent as well. All the official respondents are directed to file their independent statement regarding the allegations made in the newspaper report and the action taken in this regard.
7. The Registry is directed to communicate this order to the official respondents by e-mail immediately so as to enable them to comply with the direction.

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8. For consideration of the report and completion of pleading, post on
21.12.2021.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Dr. K. Satyagopal)

O.A. No. 03/2021(SZ)
25th November, 2021. (AM)



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Item No.40:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 03 of 2021 (SZ)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the News Item in
The Hindu Newspaper edition
Dt. 06.12.2020, "Lake encroachment in full swing at
Mazid Banda"

...Applicant(s)

Versus

Union of India and Ors.

...Respondent(s)

Date of hearing: 21.12.2021.

Matter stands adjourned to 24.01.2022.

